



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3512 of 2022

Sukumar Surendar

...Petitioner

Vs.

State rep. by
The Deputy Superintendent of Police,
EOW-II, HQRS, Chennai
(Crime No.30 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in connection with Crime No.30 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Doraisamy

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.12.2021 for the offences under Sections 420 and 409 of IPC and Section 5 of Tamilnadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997 in Crime No.30 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant on seeing the advertisement about the petitioner's company invested Rs. 5,00,000/- on 09.11.2020 and the defacto complainant was returned only Rs.1,40,000/- and thereafter no returns were received and also the company was closed. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that during the time of registering the case, the petitioner is not a Director and therefore he is not having any knowledge about the alleged occurrence. According to him, the petitioner is in judicial custody from 18.12.2021 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the investigation is pending. She would submit that for the alleged occurrence, the respondent police received 290 complaints from the public. Further, during the relevant point of time, the petitioner and other Directors are cheated the public to the tune of Rs.14,00,00,000/-.

5. The submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case against this petitioner for the offence punishable under Sections 420 and 409 of IPC and Section 5 of Tamilnadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997. Though the petitioner is not a Director at the time of registering the case, when at the time of collecting the deposit, he was functioned as Director. Therefore, it cannot be said the petitioner is not having any knowledge over the alleged occurrence. Being that the reason the whole case projected by the prosecution reveals the fact that in the alleged occurrence, amount of Rs.14,00,00,000/- was cheated and 290 complaints were received against the petitioner and others, if this type of petitioner is released on bail, they would try to tamper the witness and hamper the investigation. Accordingly, this Court is not inclined to allow this petition at present and this criminal original petition is dismissed.

-sd/-

14/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
EOW-II, HQRS, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.DORAISAMY Advocate on payment of necessary
charges SR.NO.2370

CRL OP.3512/2022

Date :14/02/2022

RW 17/02/2022